

**UNITED STATES DISTRICT COURT
IN THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FILED

SEP 27 2019

**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: FACEBOOK INC. CONSUMER
PRIVACY USER PROFILE
LITIGATION**

CASE NO: 3:18-MD-02843-VC

**PLAINTIFF ROBERT ZIMMERMAN AND
UXOR PRESS OPPOSE
DEFENDANT FACEBOOK INC.'S
ADMINISTRATIVE MOTION TO RELATE
CASE NO. 3:19-cv-04591-WHO
TO CASE NO. 3:18-MD-02843-VC**

Robert Zimmerman, and Uxor Press
Plaintiffs,

v.

Facebook, Inc., Mark Zuckerberg,
Sheryl Sandberg, John and Jane Does
Defendants.

**PLAINTIFF ROBERT ZIMMERMAN AND UXOR PRESS OPPOSITION TO FACEBOOK INC.'S ADMINISTRATIVE
MOTION PURSUANT TO CIVIL LOCAL RULE 3-12 TO CONSIDER WHETHER CASE NO. 3:19-cv-04591-WHO
SHOULD BE RELATED AND TRANSFERRED TO CASE NO. 3:18-MD-02843-VC**

ARGUMENT: WHY PLAINTIFFS' CASE NO. 3:19-cv-04591-WHO SHOULD NOT BE RELATED AND TRANSFERRED TO FACEBOOK INC.'S CASE NO. 3:18-MD-02843-VC.

Plaintiff Robert Zimmerman will be 79 years old next month and suffers numerous maladies and, actuarially speaking, will likely be dead before the last of the Appeals for the consolidated MDL cases are Appealed and disposed of.

Plaintiff Uxor Press is not a corporation as asserted on page 2 of Facebook's instant Motion but rather a d/b/a wholly owned by Robert Zimmerman and Facebook's Certificate of Service asserts Plaintiffs were served Facebook's instant Motion by U.S. mail, which is not true as it was delivered by an overnight mailing service and received by Plaintiffs late afternoon, September 24, 2019.

Facebook has failed to establish that their effort to relate and transfer Plaintiffs case to MDL is nothing more than a blatant attempt to delay resolution of Plaintiffs' case for an indefinite period that could run several years during which Plaintiffs' would suffer additional hardships and harms such as further health issues and infirmities, and even death before the last Appeal of the consolidated MDL cases is heard and disposed of, while Facebook Defendants suffered nothing more but the addition of multiple billions of dollars and an as yet unknown number of Russian rubles to their already pocketed multiple billions of dollars.

Facebook Defendants face at least 30 lawsuits, many of which are class actions, as a result of their improper conduct and nothing that Plaintiffs' have done to harm them. To punish

Plaintiffs for the improper conduct of Facebook Defendants would be unfair in that such a ruling would unduly prejudice Plaintiffs' interests in favor of Facebook Defendants' interests because many of the issues, facts, allegations, causes of action and applications of law are readily distinguishable from the those raised in the MDL cases and the breadth of Plaintiffs' case makes it unlikely the MDL will address them, issues such as Facebook's participation with Russian operatives, the Trump political campaign and others in influencing the outcome of the 2016 U.S. presidential election cycle and Facebook Defendants participation in a racketeering enterprise

Admittedly, there is some overlap with certain of the consolidated MDL cases, but that overlap further supports Plaintiffs Opposition Motion because Northern District Judge Vince Chhabra, who is presiding over the MDL consolidated cases, has already issued a **"PRETRIAL ORDER NO. 20: GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS FIRST AMENDED COMPLAINT"** that favors Plaintiffs' case moving forward now and is hereby incorporated by reference.

Further, when a case is referred to MDL it will likely be delayed as it fate is bound up with countless other cases, so many cases that Facebook was ashamed to name or cite any them in their instant Motion in violation of Local Rule xxx and Plaintiffs' will lose control over their lawsuit.

Moreover, Facebook's Motion and the accompanying Declaration of Joshua S. Lipschultz

in support of that Motion contains factual inaccuracies and other misstatements:

At paragraph 3 of the Lipshultz Declaration he declares: “The Zimmerman plaintiffs’ complaint is based on substantially similar factual allegations and legal causes of action and seeks substantially similar relief...” **Not true.** Plaintiffs’ Complaint, as attached to the Facebook Motion as Exhibit 1, contains numerous facts and allegations and certain causes of action and applications of law unlikely to have been raised in the cases consolidated into the MDL.

Yes, there is some, but not considerable, overlap with the MDL consolidated lawsuits that accrue from Facebook’s privacy violations stemming from the Cambridge Analytica scandal, but Plaintiffs’ Complaint raises issues far more extensive than those previously raised such as Facebook’s involvement with Russian operatives and others in unlawfully influencing the outcome of the 2016 U.S. presidential election cycle and blocking Plaintiffs’ access to their Facebook accounts while encouraging the access of Russian operatives.

Plaintiffs also posit an extensive civil RICO claim, likely not alleged in the consolidated cases and seek dissimilar remedies for Facebook Defendants’ misconduct.

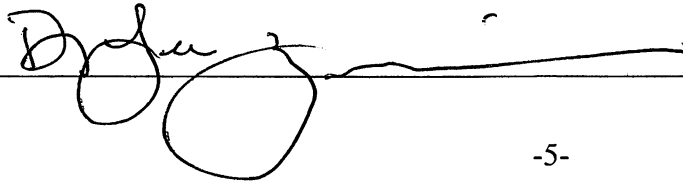
Also, unlike the likely thousands of Plaintiffs in the consolidated MDL class action cases, Plaintiff has invested considerable resources in prosecuting his case against the Facebook Defendants and deserves to be heard before he dies.

DATED: September 26, 2019 and respectfully submitted by:

Robert Zimmerman and Uxor Press, both at 329 Sandpiper Lane, Hampstead, NC 28443

Telephone: 910-232-8990

Email: BobZimmerman@USA.com

By:  _____

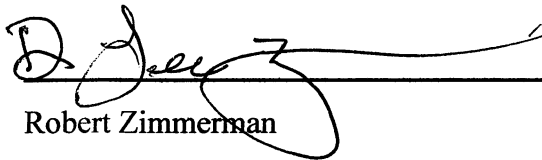
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CERTIFICATE OF SERVICE

I, Robert Zimmerman, hereby certify that on September 26, 2019 I caused the foregoing to be filed by with the Clerk of the United States District Court for the Northern District of California using the UPS overnight delivery service.

Pursuant to Civil Local Rule 3-12, I further caused to be served true and correct copies of the foregoing to be served via U..S. Mail on counsel for Facebook, Inc. for the foregoing as set forth below.

Joshua S. Lipshutz (SBN 242557)
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C 20036-5306
Telephone: 202-955-8500



Robert Zimmerman

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**UNITED STATES DISTRICT COURT
IN THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: FACEBOOK INC. CONSUMER CASE NO: 3:18-MD-02843-VC
PRIVACY USER PROFILE
LITIGATION**

**ROBERT ZIMMERMAN AND
UXOR PRESS'S DECLARATION
IN SUPPORT OF THEIR OPPOSITION
MOTION TO FACEBOOK, INC.'S
ADMINISTRATIVE MOTION TO
TRANSFER CASE NO. 3:19-cv-04591-WHO
TO CASE NO. 3:18-MD-02843-VC
PURSUANT TO CIVIL LOCAL RULE
3-12 TO CONSIDER WHETHER CASES
SHOULD BE RELATED**

Robert Zimmerman, and Uxor Press
Plaintiffs,

v.

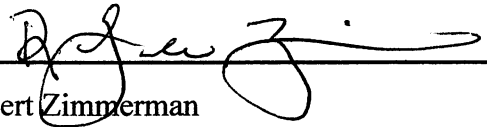
Facebook, Inc., Mark Zuckerberg,
Sheryl Sandberg, John and Jane Does
Defendants.

DECLARATION ROBERT ZIMMERMAN AND UXOR PRESS OPPOSITION TO FACEBOOK INC.'S
ADMINISTRATIVE MOTION PURSUANT TO CIVIL LOCAL RULE 3-12 TO CONSIDER WHETHER CASE NO.
3:19-cv-04591-WHO SHOULD BE RELATED AND TRANSFERRED TO CASE NO. 3:18-MD-02843-VC

DECLARATION OF ROBERT ZIMMERMAN AND UXOR PRESS

Robert Zimmerman and Uxor press declare as follows:

1. Robert Zimmerman and Uxor Press are the Plaintiffs in this action.
2. We submit this declaration in opposition to Defendant Facebook, Inc.'s Administrative Motion to Consider Whether Cases Should Be Related.
3. On August 7, 2019, a Complaint captioned *Zimmerman v. Facebook, Inc.*, No. 3:19-cv-04591-WHO was filed in this District. The Complaint, as attached to the Facebook Administrative Motion as Exhibit 1 and as incorporated by reference here, is not similar to the Facebook Administrative Motion except with regard to matters involving the Cambridge Analytica scandal and certain, but not all, causes of action and related matters set forth in *In Re: Facebook Inc. Consumer Privacy User Profile Litigation*, No. 3:18-md-02843 (the MDL), currently pending before the Court.
4. On September 11, 2019 Zimmerman conferred with Paven Malholtra, of the Kecker law firm who also serves as counsel for Facebook and stated that Plaintiff would oppose any motion to extend the time for Facebook to Answer Plaintiffs' Complaint.
5. I declare under penalty of perjury that, to the best of my elderly recollection, the foregoing is true and correct. Executed in Hampstead, North Carolina on this the 26th day of September 2019.

By: 
Robert Zimmerman

**UNITED STATES DISTRICT COURT
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SAN FRANCISCO DIVISION**

**IN RE: FACEBOOK INC. CONSUMER CASE NO: 3:18-MD-02843-VC
PRIVACY USER PROFILE LITIGATION**

**PROPOSED ORDER GRANTING
PLAINTIFFS' OPPOSITION TO
DEFENDANT FACEBOOK INC.'S
ADMINISTRATIVE MOTION TO RELATE
& TRANSFER CASE NO. 3:19-cv-04591-WHO
TO CASE NO. 3:18-MD-02843-VC**

Robert Zimmerman, and Uxor Press
Plaintiffs,

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Facebook, Inc., Mark Zuckerberg,
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Defendants.

PROPOSED ORDER

The Court has considered the parties briefing on Defendant Facebook, Inc.'s Administrative Motion to Consider Whether Cases Should Be Related, and the evidence and argument offered in support or in opposition to this Motion.

Good cause having been shown, Facebook, Inc.'s Administrative Motion is DENIED. Zimmerman v. Facebook, Inc. No. 3:19-cv-04591-WHO (N.D. Cal.) is not related to the MDL proceeding.

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